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May 29, 1992

RM 938  
92-65

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MAY 29 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: Gladwin, Michigan  
Comments

Dear Ms. Searcy:

Enclosed herewith on behalf of Michigan Radio Group, Inc., is an original and four (4) copies of its "Comments". This material is directed to the attention of the Chief, Allocations Branch.

Should any questions arise in connection with this matter, kindly communicate directly with the undersigned.

Respectfully submitted,

  
Howard J. Barr

Enclosures

cc: Mr. Michael C. Ruger, Acting Chief, Allocations Branch

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MAY 29 1992

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re )  
 )  
Amendment of Section 73.202(b), ) RM-7938  
Table of Allotments )  
FM Broadcast Stations, )  
(Gladwin, Michigan) )

To: Chief, Allocations Branch

**COMMENTS**

Michigan Radio Group, Inc., by counsel and in response to the Commission's Notice of Proposed Rule Making ("NPRM"), DA 92-362, released April 8, 1992, hereby submits its Comments on the proposal to either delete the unapplied for allotment of Channel 280A at Gladwin, Michigan (Option I) or retain the channel with a newly imposed site restriction (Option II).<sup>1/</sup> Michigan Radio Group, Inc. is the petitioner herein. The following is shown in support thereof:

I. **CHANNEL 280A AT GLADWIN, MICHIGAN  
SHOULD BE DELETED**

1. The Channel 280A allotment at Gladwin was made in 1989. Traverse City and Gladwin, Michigan, 4 FCC Rcd 8486 (1989). No applications for the allotment were filed during the relevant filing window. No applications for the allotment have been filed to date.

2. This open allotment to Gladwin is currently the primary obstacle preventing co-channel WMZX(FM), Owosso, Michigan, from

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<sup>1/</sup> The deadline for comments established in the NPRM is May 29, 1992. Accordingly, these Comments are timely filed.

upgrading to a 6kw Class A FM station.<sup>2/</sup> As a 6kw Class A FM station, under the Commission's current spacing rules, WMZX(FM) would be short spaced to the current Gladwin Channel 280A allotment by 6.14 kilometers.<sup>3/</sup> WMZX(FM) is locked into a (now sub-standard) 3kw facility because of an allotment in which no one has an interest.

3. Deletion of the long vacant allotment to Gladwin is in the public interest. No interest has been shown in this allotment in the over two years it has been on the books. Gladwin is a small community already served by co-owned, and separately programmed, AM and FM stations.<sup>4/</sup> Moreover, as shown above, this long vacant allotment is restricting other of the Commission's licensees, from making the most efficient use of a scarce resource.

4. Promotion of "the most efficient use of spectrum", and not restriction thereof, is in the public interest.

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<sup>2/</sup> An additional obstacle is a Channel 280A allotment to Sarnia, Ontario, Canada. The Canadian government is currently in the process of deleting this allotment.

<sup>3/</sup> See Section 73.207(b) of the Commission's Rules. WMZX(FM) is presently located at 43° 01' 48" North Latitude, 84° 10' 39" West Longitude. The reference coordinates for the current Gladwin allotment are 43° 59' 00" North Latitude, 84 29' 18" West Longitude. Since the Channel 280A allotment at Gladwin did not meet the Commission's spacing rules set forth in §73.207(b), a fortiori, the allotment is a (now substandard) 3 kilowatt allotment made under the spacing rules in effect prior to October 2, 1989. See Section 73.213 of the Commission's Rules.

<sup>4/</sup> Only 2,479 persons reside in Gladwin (1980 Census). See also Broadcasting and Cable Marketplace, 1992 at p. A-173.

Churubusco, et al, Indiana, 5 FCC Rcd 916, 917 (1990) (footnote omitted). At present, the Gladwin allotment is being "reserved ... for a potential future use that may never arise." Id. This is an inefficient use of spectrum. Id. The Gladwin allotment should be deleted.

5. Michigan Radio Group, Inc. does not support Option II, i.e., the retention of Channel 280A at Gladwin with a site restriction.

#### **CONCLUSION**

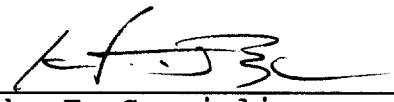
If the vacant Gladwin allotment is deleted, or, alternatively, if Channel 280A is substituted as proposed, Michigan Radio Group, Inc. will immediately file an application to increase WMZX(FM)'s operational power and will increase power upon authorization from the Commission.

Wherefore, the premises considered, Michigan Radio Group, Inc. respectfully requests that the Commission adopt Option I of the Notice of Proposed Rule Making and delete the allotment of Channel 280A to Gladwin, Michigan.

Respectfully submitted,

**MICHIGAN RADIO GROUP, INC.**

By

  
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Its Attorney

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May 29, 1992